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**TITLE 405 OFFICE OF THE SECRETARY OF FAMILY AND SOCIAL SERVICES**

**Notice of Intent to Adopt a Rule**

LSA Document #12-155

Under [IC 4-22-2-23](#), the Office of the Secretary of Family and Social Services intends to adopt a rule concerning the following:

**OVERVIEW:** Amends [405 IAC 5-19-3](#) to add the requirement for a physician to document in a Medicaid recipient's file that a face-to-face encounter with the Medicaid recipient occurred within six months of the date of a physician's written order for durable medical equipment and to add that the face-to-face encounter may be conducted by a physician, a nurse practitioner, a clinical nurse specialist, or a physician assistant. Comments and questions may be addressed to the Small Business Regulatory Coordinator for this rule. Statutory authority: [IC 12-8-6-5](#); [IC 12-15-1-10](#); [IC 12-15-21-2](#); [IC 12-15-21-3](#).

For purposes of [IC 4-22-2-28.1](#), the Small Business Regulatory Coordinator for this rule is:

Lana Schneider  
Indiana Family and Social Services Administration  
Office of Medicaid Policy and Planning  
Indiana Government Center South  
402 West Washington Street  
Indianapolis, IN 46204  
(317) 232-4701  
[lane.schneider@fssa.in.gov](mailto:lane.schneider@fssa.in.gov)

For purposes of [IC 4-22-2-28.1](#), the Small Business Ombudsman designated by [IC 5-28-17-5](#) is:

Eric P. Shields  
Indiana Economic Development Corporation  
One North Capitol, Suite 700  
Indianapolis, IN 46204  
(317) 234-3997  
[smallbizombudsman@iedc.in.gov](mailto:smallbizombudsman@iedc.in.gov)

Resources available to regulated entities through the small business ombudsman include the ombudsman's duties stated in [IC 5-28-17-5](#), specifically [IC 5-28-17-5\(9\)](#), investigating and attempting to resolve any matter regarding compliance by a small business with a law, rule, or policy administered by a state agency, either as a party to a proceeding or as a mediator.

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